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LETTER DATED 22 SEPTEMBER 1994 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Korean Armistice Agreement was signed on 27 July 1953, between the Korean People's Army and the Chinese People's Volunteers side and the "United Nations Command (UNC)" side with the objectives of ensuring "a complete cessation of hostile activities and all acts of armed force in Korea in order to cease conflicts", and the Military Armistice Commission (MAC) and the Neutral Nations Supervisory Commission (NNSC) were organized and conducted their activities for the implementation of the provisions of the Armistice Agreement.

The Armistice mechanism, however, has not been able to carry out its functions due to the systematic violation of the provisions of the Armistice Agreement by the United States side.

The Military Armistice Commission (MAC) has ceased its function since 25 March 1991 as a result of the illegal appointment of the south Korean army "general" to the position of the chief delegate of the "United Nations Command" by the United States side and the Neutral Nations Supervisory Commission (NNSC) has also become a worthless body.

I. VIOLATIONS OF THE ARMISTICE AGREEMENT AND PARALYSATION OF THE ARMISTICE MECHANISM BY THE UNITED STATES

The United States, a real party to the Armistice Agreement, has systematically violated the provisions of this Agreement over the last 40 years.

Having signed the Armistice Agreement on 27 July 1953, the United States, in violation of the provisions of the Agreement, concluded in October of that year the "USA-ROK Mutual Defense Assistance Treaty" with the south Korean authorities in an effort to legalize the United States military presence in south Korea.

On 7 November 1955, the United States side shot down a helicopter flying to Kimpo airport on a regular inspection mission of the Neutral Nations Supervisory Commission, killing three Polish delegates of the Commission.

On 9 June 1956, the United States forced the Neutral Nations Inspection Teams to withdraw from the designated ports of entry in the United Nations Command-controlled area where the Teams had been stationed in accordance with Section C of Article II of the Armistice Agreement, because the Teams were observing and reporting the violations of the Agreement by the United States.

It was since then that the NNSC was not able to carry out its missions mandated by the Armistice Agreement.

On 21 June 1957, following the expulsion of the on-site Inspection Teams, the United States declared a unilateral non-compliance with subparagraph 13 (d) of the Armistice Agreement which ruled out the introduction into Korea of the reinforcing operational material. Subparagraph 13 (d) of the Armistice Agreement stipulated that the opposing sides "cease the introduction into Korea of reinforcing combat aircraft, armoured vehicles, weapons, and ammunition".

This is how the United States paved the way for unbridled arms build up in south Korea. After they removed the legal obstacles in their arms build up in south Korea the United States introduced into south Korea large quantities of various sophisticated weapons, including 1,000 nuclear weapons without any restrictions. And in 1994 they even introduced the patriot missiles and modern combat armaments into south Korea.

It is none other than the United States that is responsible for the "USS Pueblo Incident", the "EC-121 Spyplane Incident" and the "Panmunjom Incident" - incidents that precipitated the situation on the Korean peninsula to the brink of war, thus focusing the world's attention on the peninsula.

To make matters worse, on 25 March 1991, the United States unilaterally designated a south Korean army "general" as the chief delegate of the United Nations Forces to the Military Armistice Commission, despite his apparent disqualification.

The south Korean military did not join the "United Nations Forces" during the Korean war and strongly refused to sign the Armistice Agreement and now does not have any operational command power over all the military forces in south Korea. Therefore, any transfer of control over the armistice mechanism to the south Korean military delegate is absolutely irrelevant both in legal and practical terms, and cannot be viewed otherwise than an action aimed at wrecking the armistice arrangement.

This is an open perfidy of paralysing the military armistice mechanism and ignoring and ridiculing the other signatory of the Armistice Agreement. In response to this, the Democratic People's Republic of Korea had no choice but to recall its chief delegate to the Military Armistice Commission.

Such an irresponsible behaviour on the part of the United States has only invalidated the provisions of the Armistice Agreement essential for preventing the recurrence of war and put the Agreement-implementing bodies out of operation. Consequently, the Military Armistice Commission has turned into a nominal body in which its legitimate component parties ceased to exist, and the

Armistice Agreement has been reduced to blank sheets of paper incapable of helping to ensure peace on the Korean peninsula.

The present-day reality is that both arms build up and recurrence of war cannot be prevented by the obsolete armistice mechanism, which has turned out to be a tool of cold war policy.

II. THE OBSOLETE ARMISTICE MECHANISM SHOULD BE REPLACED WITH A NEW PEACE MECHANISM

The continued accountability of the Democratic People's Republic of Korea (DPRK) and the United States to the Armistice Agreement and absence of a new security arrangement for practically guaranteeing peace are responsible for the uncertainty of the situation that has continued on the Korean peninsula since the end of the Korean war. In other words, the uncertainty of the situation remains in place because the cold war structure has failed to give way to the structure of rapprochement on the Korean peninsula.

It is a matter of common knowledge that the Armistice Agreement has established the relations between the Democratic People's Republic of Korea and the United States - the real parties to the Agreement - as hostile relations.

In order to create new peaceful relations replacing such hostile relations between the Democratic People's Republic of Korea and the United States, it is essential to terminate the cease-fire arrangement, which is the typical legacy of the cold war era, and develop a new peace arrangement. This will help to eliminate the threat of an alleged "southward invasion" and a perceived "northward invasion" and to establish new relations of both rapprochement and mutual confidence between the Democratic People's Republic of Korea and the United States, relations that will dissipate confrontation and mistrust.

The Democratic People's Republic of Korea has already recommended to the United States more than once through channels of contacts to consider instituting a new security arrangement, rather than maintaining the status quo of the armistice arrangement or reviving the inoperative cease-fire mechanism.

The Government of the Democratic People's Republic of Korea has, through the 28 April 1994 Statement of its Ministry of Foreign Affairs, proposed to the United States that the two countries hold negotiations for the establishment of a new peace arrangement which will replace the obsolete armistice mechanism, with a view to converting the armistice agreement into a peace agreement and took measures of recalling its delegation from MAC and setting up Panmunjom Mission of the Korean People's Army as a negotiating machine, a practical one to carry into effect the proposal.

In response to this, the Government of the People's Republic of China has decided to withdraw the delegation of the Chinese People's Volunteers from the MAC.

The measures taken by the Democratic People's Republic of Korea are the most reasonable and fair ones in view of the present state of cease-fire

mechanisms and of the tense situation created in the Korean peninsula by the continuous war manoeuvres of the United States and south Korea and in view of the implementation of the resolution of the United Nations General Assembly adopted at its thirtieth session, calling for the dissolution of the "United Nations Command" in south Korea. And they are the sincere and good-minded measures to maintain durable peace in the Korean peninsula.

An intention to maintain the state of cease-fire even in the present post-cold war era will be understood to be the intention to continue the cold war policy on the Korean peninsula. It will also be regarded as the intention to move towards confrontation and war, instead of peace and stability.

In the final analysis, the long-standing hostile relations between the Democratic People's Republic of Korea and the United States have spawned crucial issues including the nuclear issue on the Korean peninsula, plunging efforts to resolve the issues into impasse.

If the two countries had already ceased to be hostile to each other and normalized their relations, they would never have found themselves faced with these issues at all and even if certain issues might have occurred, they could have resolved them without difficulty in an atmosphere of confidence. After all, the nuclear issue on the Korean peninsula, too, will be resolved smoothly only when it is addressed on a package approach in the perspective of overall relationship between the Democratic People's Republic of Korea and the United States.

The current situation on the Korean peninsula calls for an early termination of the armistice regime. There is no need for the Democratic People's Republic of Korea and the United States to remain hostile nations, simply on the ground that they once fought a war.

At the first round of bilateral talks in June 1993, the Democratic People's Republic of Korea and the United States agreed to the principles of non-aggression, an indication that the two countries have recognized the need to do so. And at the third round of talks in August 1994, the two sides agreed to normalize the relations between the two countries. Such being the case, there are no conditions that prevent the United States from legally terminating the state of cease-fire and improving its relations with the Democratic People's Republic of Korea.

Clinging to the continuous maintenance of the state of cease-fire, a leftover of the cold war, at the time when the normalization of relations between the Democratic People's Republic of Korea and the United States is under discussion, is an anachronistic act against peace. When a new peace arrangement is established between the Democratic People's Republic of Korea and the United States, a decisive favourable condition will be created for the implementation of the north-south agreement whose main core is non-aggression.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative